EMORY LAW JOURNAL

ANNUAL INDEX

VOLUME 53
2004

Atlanta

INDEX FOR VOLUME 53

ARTICLES AND ESSAYS (AUTHORS)

Ahdieh, Robert B.
Between Mandate and Market: Contract Transition in the Shadow of the International Order 1309

Benforado, Adam, Jon Hanson, & David Yosifon
Broken Scales: Obesity and Justice in America 1645

Bolton, Patrick & David A. Skeel, Jr.
Inside the Black Box: How Should a Sovereign Bankruptcy Framework Be Structured? 763

Bratton, William W.
Pari Passu *and a Distressed Sovereign's Rational Choices* 823

Buchheit, Lee C. & Jeremiah S. Pam
The Pari Passu *Clause in Soverign Debt Instruments* 869

Chander, Anupam
Odious Securitization 923

Choi, Stephen J. & G. Mitu Gulati
Innovation in Boilerplate Contracts: An Empirical Examination of Sovereign Bonds 929

Daniels, Stephen & Joanne Martin
The Strange Success of Tort Reform 1225

Dickerson, A. Mechele
A Politically Viable Approach to Sovereign Debt Restructuring 997

Finley, Lucinda M.
The Hidden Victims of Tort Reform: Women, Children, and the Elderly 1263

Fisch, Jill E. & Caroline M. Gentile
Vultures or Vanguards?: The Role of Litigation in Sovereign Debt Restructuring 1043

Freer, Richard D.
The Cauldron Boils: Supplemental Jurisdiction, Amount in Controversy, and Diversity of Citizenship Class Actions 55

Gelpern, Anna
Building a Better Seating Chart for Sovereign Restructurings 1115

Gladden, Joseph
A Client's Perspective 1165

Godsil, Rachel D.
Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules, and Environmental Racism 1807

Hazlett, Thomas W.
All Broadcast Regulation Politics Are Local: A Response to Christopher Yoo's Model of Broadcast Regulation 233

Kahn, David B. & Gary S. Lawson
Who's the Boss?: Controlling Auditor Incentives Through Random Selection 391

Kane, Mitchell A.
Strategy and Cooperation in National Responses to International Tax Arbitrage 89

Mullenix, Linda S.
The Future of Tort Reform: Possible Lessons from the World Trade Center Victim Compensation Fund 1315

Noveck, Beth Simone
The Electronic Revolution in Rulemaking 433

O'Connell, Jeffrey
Why Economists and Philosophers Flunk Torts: With a Guide to a Good Grade 1349

Rasmussen, Robert K.
Integrating a Theory of the State into Sovereign Debt Restructuring 1159

Redish, Martin H. & Andrew L. Mathews
Why Punitive Damages Are Unconstitutional 1

Rosen, Mark D.
Exporting the Constitution 171

Schwarcz, Steven L.
"Idiot's Guide" to Sovereign Debt Restructuring 1189

Sullivan, E. Thomas & Robert B. Thompson
The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust 1571

Tarullo, Daniel K.
Neither Order Nor Chaos: The Legal Structure of Sovereign Debt Workouts 657

Terrell, Timothy P.
Statutory Epistemology: Mapping the Interpretation Debate 523

Vidmar, Neil
Experimental Simulations and Tort Reform: Avoidance, Error, and Overreaching in Sunstein et al.'s Punitive Damages 1359

Viscusi, W. Kip
The Blockbuster Punitive Damages Awards 1405

Yoo, Christopher S.
The Role of Politics and Policy in Television Regulation 255

Zimmer, Michael J.
The New Discrimination Law: Price Waterhouse *Is Dead, Whither* McDonnell Douglas*?* 1887

ARTICLES AND ESSAYS (TITLES)

All Broadcast Regulation Politics Are Local: A Response to Christopher Yoo's Model of Broadcast Regulation
Thomas W. Hazlett 233

Between Mandate and Market: Contract Transition in the Shadow of the International Order
Robert B. Ahdieh 691

The Blockbuster Punitive Damages Awards
W. Kip Viscusi 1405

Broken Scales: Obesity and Justice in America
Adam Benforado, Jon Hanson, & David Yosifon 1645

Building a Better Seating Chart for Sovereign Restructurings
Anna Gelpern 1115

The Cauldron Boils: Supplemental Jurisdiction, Amount in Controversy, and Diversity of Citizenship Class Actions
Richard D. Freer 55

The Electronic Revolution in Rulemaking
Beth Simone Noveck 433

Experimental Simulations and Tort Reform: Avoidance, Error, and Overreaching in Sunstein et al.'s *Punitive Damages*
Neil Vidmar 1359

Exporting the Constitution
Mark D. Rosen 171

The Future of Tort Reform: Possible Lessons from the World Trade Center Victim Compensation Fund
Linda S. Mullenix 1315

The Hidden Victims of Tort Reform: Women, Children, and the Elderly
Lucinda M. Finley 1263

"Idiot's Guide" to Sovereign Debt Restructuring
Steven L. Schwarcz 1189

Innovation in Boilerplate Contracts: An Empirical Examination of Sovereign Bonds
Stephen J. Choi & G. Mitu Gulati 929

Inside the Black Box: How Should a Sovereign Bankruptcy Framework Be Structured?
Patrick Bolton & David A. Skeel, Jr. 763

Integrating a Theory of the State into Sovereign Debt Restructuring
Robert K. Rasmussen 1159

Neither Order Nor Chaos: The Legal Structure of Sovereign Debt Workouts
Daniel K. Tarullo 657

The New Discrimination Law: *Price Waterhouse* Is Dead, Whither *McDonnell Douglas*?
Michael J. Zimmer 1887

Odious Securitization
Anupam Chander 923

Pari Passu and a Distressed Sovereign's Rational Choices
William W. Bratton 823

The *Pari Passu* Clause in Sovereign Debt Instruments
Lee C. Buchheit & Jeremiah S. Pam 869

A Politically Viable Approach to Sovereign Debt Restructuring
A. Mechele Dickerson 997

The Role of Politics and Policy in Television Regulation
Christopher S. Yoo 255

Statutory Epistemology: Mapping the Interpretation Debate
Timothy P. Terrell 523

The Strange Success of Tort Reform
Stephen Daniels & Joanne Martin 1225

Strategy and Cooperation in National Responses to International Tax Arbitrage
Mitchell A. Kane 89

The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust
E. Thomas Sullivan & Robert B. Thompson 1571

Viewing the Cathredal from Behind the Color Line: Property Rules, Liability Rules, and Environmental Racism
Rachel D. Godsil 1807

Vultures or Vanguards?: The Role of Litigation in Sovereign Debt Restructuring
Jill E. Fisch & Caroline M. Gentile 1043

Who's the Boss?: Controlling Auditor Incentives Through Random Selection
David B. Kahn & Gary S. Lawson 391

Why Economists and Philosophers Flunk Torts: With a Guide to a Good Grade
Jeffrey O'Connell 1349

Why Punitive Damages Are Unconstitutional
Martin H. Redish & Andrew L. Mathews 1

COMMENTS (AUTHORS)

Considine, Michael P.
User Registration Websites: Possible E-Loopholes to the National Do-Not-Call Registry 1951

Gerdelman, Kristin E.
Subsequent Performance of Process Steps by Different Entities: Time To Close Another Loophole in U.S. Patent Law 1987

Howard, Ashley B.
Does the Internal Revenue Code Provide a Solution to a Common State Taxation Problem?: Proposing State Adoption of § 367(d) to Tax Intangibles Holding Subsidiaries 561

Joseph, Summer Bennett
Drowning Professionals in the Stream of Commerce: An Examination of Purposeful Availment in the Professional Liability Context 277

Lacko, Michelle V.
The Data Quality Act: Prologue to a Farce or a Tragedy? 305

Morgan, Benjamin C.
Adopting Lawrence*:* Lawrence v. Texas *and Discriminatory Adoption Laws* 1491

Morrow, Melissa J.
Twenty-Five Years of Debate: Is Acquisition-Value Property Taxation Constitutional? Is It Fair? Is It Good Policy? 587

Nevin, Douglas M.
No Business Like Show Business: Copyright Law, the Theatre Industry, and the Dilemma of Rewarding Collaboration 1533

Paroff, Sasha P.
Another Victim of the War in Iraq: The Looting of the National Museum in Baghdad and the Inadequacies of International Protection of Cultural Property 2021

Ramirez, Heather Hamme
Defending the Privatization of Research Tools: An Examination of the "Tragedy of the Anticommons" in Biotechnology Research and Development 359

Rogers, Mark A.
Community Association Law: Administrative Law as a Solution by Analogy 1457

Wilson, Bryan P.
State Constitutional Environmental Rights and Judicial Activism: Is the Big Sky Falling? 627

COMMENTS (TITLES)

Adopting *Lawrence*: *Lawrence v. Texas* and Discriminatory Adoption Laws
Benjamin C. Morgan 1491

Another Victim of the War in Iraq: The Looting of the National Museum in Baghdad and the Inadequacies of International Protection of Cultural Property
Sasha P. Paroff 2021

Community Association Law: Administrative Law as a Solution by Analogy
Mark A. Rogers 1457

The Data Quality Act: Prologue to a Farce or a Tragedy?
Michelle V. Lacko 305

Defending the Privatization of Research Tools: An Examination of the "Tragedy of the Anticommons" in Biotechnology Research and Development
Heather Hamme Ramirez 359

Does the Internal Revenue Code Provide a Solution to a Common State Taxation Problem?: Proposing State Adoption of § 367(d) to Tax Intangibles Holding Subsidiaries
Ashley B. Howard 561

Drowning Professionals in the Stream of Commerce: An Examination of Purposeful Availment in the Professional Liability Context
Summer Bennett Joseph 277

No Business Like Show Business: Copyright Law, the Theatre Industry, and the Dilemma of Rewarding Collaboration
Douglas M. Nevin 1533

State Constitutional Environmental Rights and Judicial Activism: Is the Big Sky Falling?
Bryan P. Wilson 627

Subsequent Performance of Process Steps by Different Entities: Time To Close Another Loophole in U.S. Patent Law
Kristin E. Gerdelman 1987

Twenty-Five Years of Debate: Is Acquisition-Value Property Taxation Constitutional? Is It Fair? Is It Good Policy?
Melissa J. Morrow 587

User Registration Websites: Possible E-Loopholes to the National Do-Not-Call Registry
Michael P. Considine 1951

SUBJECT INDEX

(a) after a reference indicates an article; (c) comment; (r) review essay; (t) Thrower Symposium article; (s) Sovereign Debt Conference article

ADMINISTRATIVE LAW

The Data Quality Act: Prologue to a Farce or a Tragedy?
Michelle V. Lacko (c) 305

The Electronic Revolution in Rulemaking
Beth Simone Noveck (a) 433

User Registration Websites: Possible E-Loopholes to the National Do-Not-Call Registry
Michael P. Considine (c) 1951

ANTITRUST LAW

The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust
E. Thomas Sullivan & Robert B. Thompson (a) 1571

BIOTECHNOLOGY

Defending the Privatization of Research Tools: An Examination of the "Tragedy of the Anticommons" in Biotechnology Research and Development
Heather Hamme Ramirez (c) 359

BUSINESS PRACTICES

Drowning Professionals in the Stream of Commerce: An Examination of Purposeful Availment in the Professional Liability Context
Summer Bennett Joseph (c) 277

Who's the Boss?: Controlling Auditor Incentives Through Random Selection
David B. Kahn & Gary S. Lawson (a) 391

CONSTITUTIONAL LAW

Adopting *Lawrence*: *Lawrence v. Texas* and Discriminatory Adoption Laws
Benjamin C. Morgan (c) 1491

Exporting the Constitution
Mark D. Rosen (a) 171

State Constitutional Environmental Rights and Judicial Activism: Is the Big Sky Falling?
Bryan P. Wilson (c) 627

Why Punitive Damages Are Unconstitutional
Martin H. Redish & Andrew L. Mathews (a) 1

CORPORATE LAW

The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust
E. Thomas Sullivan & Robert B. Thompson (a) 1571

DISCRIMINATION LAW

Broken Scales: Obesity and Justice in America
Adam Benforado, Jon Hanson, & David Yosifon (a) 1645

The New Discrimination Law: *Price Waterhouse* Is Dead, Whither *McDonnell Douglas*?
Michael J. Zimmer (a) 1887

Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules, and Environmental Racism
Rachel D. Godsil (a) 1807

EMPLOYMENT LAW

The New Discrimination Law: *Price Waterhouse* Is Dead, Whither *McDonnell Douglas*?
Michael J. Zimmer (a) 1887

ENVIRONMENTAL LAW

State Constitutional Environmental Rights and Judicial Activism: Is the Big Sky Falling?
Bryan P. Wilson (c) 627

Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules, and Environmental Racism
Rachel D. Godsil (a) 1807

FAMILY LAW

Adopting *Lawrence*: *Lawrence v. Texas* and Discriminatory Adoption Laws
Benjamin C. Morgan (c) 1491

INTELLECTUAL PROPERTY

Defending the Privatization of Research Tools: An Examination of the "Tragedy of the Anticommons" in Biotechnology Research and Development
Heather Hamme Ramirez (c) 359

No Business Like Show Business: Copyright Law, the Theatre Industry, and the Dilemma of Rewarding Collaboration
Douglas M. Nevin (c) 1533

Subsequent Performance of Process Steps by Different Entities: Time To Close Another Loophole in U.S. Patent Law
Kristin E. Gerdelman (c) 1987

INTERNATIONAL LAW

Another Victim of the War in Iraq: The Looting of the National Museum in Baghdad and the Inadequacies of International Protection of Cultural Property
Sasha P. Paroff (c) 2021

Between Mandate and Market: Contract Transition in the Shadow of the International Order
Robert B. Ahdieh (s) 691

Exporting the Constitution
Mark D. Rosen (a) 171

Strategy and Cooperation in National Responses to International Tax Arbitrage
Mitchell A. Kane (a) 89

JURISPRUDENCE

Statutory Epistemology: Mapping the Interpretation Debate
Timothy P. Terrell (a) 523

LITIGATION

The Cauldron Boils: Supplemental Jurisdiction, Amount in Controversy, and Diversity of Citizenship Class Actions
Richard D. Freer (a) 55

Vultures or Vanguards? The Role of Litigation in Sovereign Debt Restructuring
Jill E. Fisch & Caroline M. Gentile (s) 1043

The Blockbuster Punitive Damages Awards
W. Kip Viscusi (t) 1877

Why Punitive Damages Are Unconstitutional
Martin H. Redish & Andrew L. Mathews (a) 1

OBESITY

Broken Scales: Obesity and Justice in America
Adam Benforado, Jon Hanson, & David Yosifon (a) 1645

PATENT LAW

Subsequent Performance of Process Steps by Different Entities: Time To Close Another Loophole in U.S. Patent Law
Kristin E. Gerdelman (c) 1987

PROFESSIONAL LIABILITY

Drowning Professionals in the Stream of Commerce: An Examination of Purposeful Availment in the Professional Liability Context
Summer Bennett Joseph (c) 277

PROPERTY LAW

Community Association Law: Administrative Law as a Solution by Analogy
Mark A. Rogers (c) 1457

Viewing the Cathedral from Behind the Color Line: Property Rules, Liability Rules, and Environmental Racism
Rachel D. Godsil (a) 1807

SECURITIES LAW

The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust
E. Thomas Sullivan & Robert B. Thompson (a) 1571

SOCIETY & CULTURE

Broken Scales: Obesity and Justice in America
Adam Benforado, Jon Hanson, & David Yosifon (a) 1645

SOVEREIGN DEBT RESTRUCTURING

Between Mandate and Market: Contract Transition in the Shadow of the International Order
Robert B. Ahdieh (s) 691

Building a Better Seating Chart for Sovereign Restructurings
Anna Gelpern (s) 1115

A Politically Viable Approach to Sovereign Debt Restructuring
A. Mechele Dickerson (s) 997

"Idiot's Guide" to Sovereign Debt Restructuring
Steven L. Schwarcz (s) 1189

Innovation in Boilerplate Contracts: An Empirical Examination of Sovereign Bonds
Stephen J. Choi & G. Mitu Gulati (s) 929

Inside the Black Box: How Should a Soverign Bankruptcy Framework Be Structured?
Patrick Bolton & David A. Skeel, Jr. (s) 763

Integrating a Theory of the State into Sovereign Debt Restructuring
Robert K. Rasmussen (s) 1159

Neither Order Nor Chaos: The Legal Structure of Sovereign Debt Workouts
Daniel K. Tarullo (s) 657

Odious Securitization
Anupam Chander (s) 923

Pari Passu and a Distressed Sovereign's Rational Choices
Willaim W. Bratton (s) 823

The *Pari Passu* Clause in Sovereign Debt Instruments
Lee C. Buchheit & Jeremiah S. Pam (s) 869

Vultures or Vanguards? The Role of Litigation in Sovereign Debt Restructuring
Jill E. Fisch & Caroline M. Gentile (s) 1043

TAX

Does the Internal Revenue Code Provide a Solution to a Common State Taxation Problem?: Proposing State Adoption of § 367(d) to Tax Intangibles Holding Subsidiaries
Ashley B. Howard (c) 561

Strategy and Cooperation in National Responses to International Tax Arbitrage
Mitchell A. Kane (a) 89

Twenty-Five Years of Debate: Is Acquisition-Value Property Taxation Constitutional? Is It Fair? Is It Good Policy?
Melissa J. Morrow (c) 587

TELECOMMUNICATIONS REGULATION

The Data Quality Act: Prologue to a Farce or a Tragedy?
Michelle V. Lacko (c) 305

User Registration Websites: Possible E-Loopholes to the National Do-Not-Call Registry
Michael P. Considine (c) 1951

TELEVISION REGULATION

The Role of Politics and Policy in Television Regulation
Christopher S. Yoo (r) 255

All Broadcast Regulation Politics Are Local: A Response to Christopher Yoo's Model of Broadcast Regulation
Thomas W. Hazlett (r) 233

THEATRE

No Business Like Show Business: Copyright Law, the Theatre Industry, and the Dilemma of Rewarding Collaboration
Douglas M. Nevin (c) 1533

TORT REFORM

The Blockbuster Punitive Damages Awards
W. Kip Viscusi (t) 1877

Experimental Simulations and Tort Reform: Avoidance, Error, and Overreaching in Sunstein et al.'s *Punitive Damages*
Neil Vidmar (t) 1359

The Future of Tort Reform: Possible Lessons from the World Trade Center Victim Compensation Fund
Linda S. Mullenix (t) 1315

The Hidden Victims of Tort Reform: Women, Children, and the Elderly
Lucinda M. Finley (t) 1263

The Strange Success of Tort Reform
Stephen Daniels & Joanne Martin (t) 1225

Why Economists and Philosophers Flunk Torts: With a Guide to a Good Grade
Jeffrey O'Connell (t) 1349

Why Punitive Damages Are Unconstitutional
Martin H. Redish & Andrew L. Mathews (a) 1